

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-537-C - ORDER NO. 93-146
FEBRUARY 8, 1993

IN RE: Application of Cherry Communications for)	ORDER
a Certificate of Public Convenience and)	GRANTING
Necessity to Operate as a Reseller of)	REQUEST TO
Interexchange Telecommunications Services)	WITHDRAW
and Provider of Alternate Operator Services)	APPLICATION
within the State of South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the January 28, 1993 letter from J. Thornton Kirby, Esquire, Local Counsel for Cherry Communications (Cherry or the Company). Kirby informs the Commission that Cherry has decided to formally withdraw its Application for a Certificate of Public Convenience and Necessity to provide long distance telecommunications services in South Carolina. Prior to the issuance of that letter, much discussion was held between the Commission Staff and Cherry Communications with regard to alleged instances of intrastate services provided by Cherry being rendered without the appropriate certificate. Cherry also appeared to be soliciting subscribers for its resale of intrastate telecommunications services, which has not been authorized by this Commission. Cherry states that it will examine these problems and remedy them appropriately prior to refiling a petition for authority.

It should be noted that the Commission Staff investigated various problems with Customer Owned Coin Operated Telephones (COCOT's) for which Cherry is already licensed. Among other things, it was found that one could make a intrastate intraLATA call over Cherry's lines, which is in violation of prior Commission orders on the subject.

The Commission therefore believes that Cherry's request to formally withdraw its Application should be granted. The Commission believes that refunds are appropriate in this situation, and that Cherry should be given two (2) months from the date of this Order to file the details of refunds made for intrastate calls completed and services provided without a certificate. If at the end of that time, Cherry does not report as ordered, or has failed to comply with the Commission Order, the Commission reserves the right to issue a Rule to Show Cause as to why Cherry's COCOT Certificate should not be revoked, and/or take such other and further action as the Commission may deem appropriate.

IT IS THEREFORE ORDERED THAT:

1. The request of Cherry Communications to formally withdraw its Application for a Certificate of Public Convenience and Necessity to provide long distance telecommunications services in South Carolina is hereby granted.

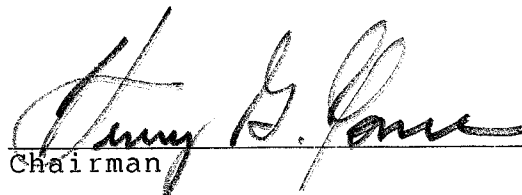
2. Cherry shall have two (2) months from the date of this Order to provide details of any refunds made for intrastate services or other unauthorized services rendered without a

Certificate.

3. That the Commission reserves the right to issue its Rule to Show Cause or take other action as may be deemed appropriate at the end of two months if Cherry Communications has not made the appropriate refunds and remedied the problems with its COCOT services, and other problems as noted above.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)